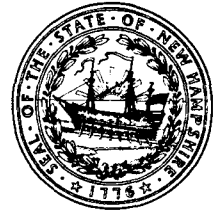




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

November 17, 2004

LETTER OF DEFICIENCY #WSEB 04-189
Certified Mail #7000 0600 0023 9932 7471

William Pockl
Merrimack Village District
PO Box 1949
Merrimack, NH 03054

Subject: Merrimack - Public Water System: Merrimack Village District (EPA# 1531010)

Dear Mr. Pockl:

The records of the Department of Environmental Services (DES) show that the Merrimack Village District ("MVD") water system is classified as a community water system (CWS), as defined by RSA 485:1-a. A CWS is defined as any water system that serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents. As such, the water system is required to have a certified primary operator of the proper grade to operate and maintain the water system to protect public health pursuant to RSA 332-E and NH Admin. Rule Env-Ws 367.

Pursuant to Env-Ws 367.10, a community water system serving over 15,000 people is required to have a certified Distribution Grade III primary operator. DES records indicate that the MVD water system serves approximately 25,000 people. Currently, however, the highest Distribution Grade held by any operator at the MVD is Grade II. DES records further indicate that the requirement that the MVD employ a certified Distribution Grade III primary operator has been noted in the 2000 and 2004 sanitary surveys and in a letter from DES dated June 15, 2004. The failure to employ a primary operator of the proper grade places the water system in violation of Env-Ws 367. If our records are in error and you presently have a certified Distribution Grade III primary operator, please notify this office in writing and our records will be modified accordingly.

If you do not presently have a certified Distribution Grade III primary operator, DES believes the violation can be corrected by taking the following action:

1. **By December 17, 2004**, submit to DES for review and approval, a written proposal, including time frames, to retain a certified Distribution Grade III primary operator to operate and maintain the water system; and
2. **By the DES-approved date**, retain a certified Distribution Grade III primary operator and notify DES in writing of the name and license number of the operator.

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In the event compliance is not achieved within this period, DES may take further enforcement action, including issuing an order requiring the deficiency to be corrected, initiating an administrative fine proceeding and/or referring the matter to the NH Department of Justice for imposition of appropriate penalties.

Please address any correspondence requested above to:

Alan Leach
Department of Environmental Services
Water Supply Engineering Bureau
29 Hazen Drive, PO Box 95
Concord, NH 03302-0095

Please contact Alan Leach at (603) 271-2854, or by e-mail at aleach@des.state.nh.us if you have any questions concerning this letter.

Sincerely,


Rene Pelletier, P.G., Manager
Land Resource Programs

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cc: Gretchen R. Hamel, DES Legal Unit Administrator
Cec Curran, Town of Merrimack Health Officer
Ronald Miner, Operator
US EPA, Region 1